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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of

MATTHEW DOUGLAS PENRY, et al.

Application No. 09/533,705

Filed: March 23, 2000

For: SILICON-BACKED MICRODISPLAY
WITH A GLASS-SIDE PASSIVATION
LAYER

Group Art Unit: 2871

Examiner: Unknown

**DECLARATION OF FACTS IN
SUPPORT OF PETITION UNDER
37 C.F.R. §1.47(a)**

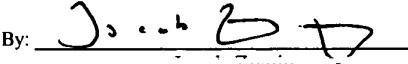
2001 Ferry Building
San Francisco, CA 94111
(415) 433-4150

CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Missing Parts, Commissioner of Patents, Washington, DC 20231, on October 3, 2000.

LIMBACH & LIMBACH LLP

Date: 10/03/00

By: 
Jacob Zwieg

Box Missing Parts
Commissioner of Patents
Washington, DC 20231

RECEIVED

OCT 16 2000

Sir:

OFFICE OF PETITIONS

This declaration recites the facts relied upon to establish the diligent efforts made to secure the cooperation of, as well as the execution of a declaration by, nonsigning inventor, Russell Flack, for the above-identified patent application. Russell Flack is secondarily named in the patent application as a co-inventor. This declaration also recites facts as to why this action was necessary to preserve the rights of the parties.

I, Mayumi Maeda, hereby declare that:

1. I am a patent attorney registered to practice before the United States Patent and Trademark Office. My registration number is 40,075. I am associated with the law firm of Limbach & Limbach, L.L.P., which serves as an outside intellectual property counsel to National Semiconductor Corporation (hereinafter "National"), a corporation of the State of Delaware, having an office located at 2900 Semiconductor Drive, M/S D3-579, Santa Clara, California 95051-8090. National Semiconductor Corporation is a former employer of Russell Flack.

2. National uses standardized Invention Disclosure Forms (hereinafter "IDF"). IDFs are designed for inventors to provide information concerning their invention and its inventors, along with signatures of all inventors and two witnesses other than the inventors. A National inventor, who seeks patent protection of his or her invention, must submit a completed IDF to National's Intellectual Property Group. Following an internal review process, and if an invention disclosure has been approved for filing as a patent application, an approved IDF is forwarded to one of National's outside counsels.

3. On September 27, 1999, Limbach & Limbach, L.L.P. received from National an IDF submitted by Russell Flack and Matthew Penry. In the IDF, Russell Flack is listed as a co-inventor on page 2 and his signature appears, along with the signatures of two witnesses, on page 5. The execution date of the IDF is June 24, 1999. A copy of the IDF is attached as Exhibit A.

4. A reporting letter was sent from Limbach & Limbach, L.L.P. to National on October 5, 1999 acknowledging receipt of the IDF and informing National that I would be the attorney responsible for preparing the application. Russell Flack was copied in this letter (attached as Exhibit B).

5. I met with Matthew Penry to discuss details of the invention and drafted a patent application. The draft patent application was sent to Matthew Penry at National on January 27, 2000 for review, along with declaration and assignment forms. Page 2 of an accompanying letter states that Matthew Penry and Russell Flack are the inventors in the patent application (see Exhibit C).

6. When I telephoned Matthew Penry on February 14, 2000 to inquire on how the review was progressing, I learned that his co-inventor, Russell Flack, had left National to work for a company in Arizona. Matthew Penry provided me with Russell Flack's new work telephone number and the company address. It is my routine practice to memorialize the nature and contents of a telephone conference shortly thereafter. Accordingly, the telephone conference I had with Matthew Penry on that day was recorded in a telephone log (a copy attached as Exhibit D). I then telephoned Russell Flack at his work number and left an electronic telephone message (i.e., "voicemail")

asking for his mailing address so that the draft patent application and the declaration and assignment forms could be sent (see Exhibit E). I received no reply from Russell Flack.

7. During a telephone conference on March 14, 2000, Matthew Penry indicated that he approved of the draft application and was ready to sign the declaration and assignment forms. I told him that I had not heard from Russell Flack and I would try again to contact him. I left another voicemail for Russell Flack at his work on that date requesting that he let me know of his mailing address. Contents of these telephone calls were memorialized in telephone logs (Exhibit F). Since I received no reply from Russell Flack, I sent a draft application and declaration and assignment forms to his work address via Federal Express on March 17, 2000. A copy of an accompanying letter is attached as Exhibit G. I subsequently left a voicemail for Russell Flack at his work informing him of my action (see copy of telephone log attached also as Exhibit G).

8. During a telephone conference on March 22, 2000, Matthew Penry indicated that he had signed the declaration and assignment forms. I told him that I had left several voicemails for Russell Flack at his work, but received no replies thereto. Shortly thereafter, I made another telephone call to Russell Flack and left a voicemail requesting that he send the executed declaration and assignment forms to me. I did not receive a reply. The contents of these telephone calls were memorialized in telephone logs (copy attached as Exhibit H).

9. On March 23, 2000, I received executed declaration and assignment forms from Matthew Penry. I, therefore, telephoned National's liaison counsel in this case, Chad Walsh, informing that I had been unable to reach Russell Flack. Considering the non-responsiveness of Russell Flack to my repeated communications, I suggested that the application be filed without his executed declaration. Chad Walsh agreed to this suggestion (see Exhibit I). The patent application was filed with the U.S. Patent and Trademark Office via Express Mail on that date.

10. After receiving a Notice to File Missing Parts of Nonprovisional Application, I left voicemails for Russell Flack at his work on July 11 and July 26, 2000, informing him of the Notice and the need to file his executed declaration (see Exhibit J). On July 26 and July 28, 2000, I attempted to reach Russell Flack through e-mail communications (also attached as Exhibit J), requesting his cooperation in this matter, by trying out several possible e-mail addresses. These e-mail communications were returned as undeliverable.

11. On August 2, 2000, I telephoned National's new liaison counsel in this case, Peter Wang, and sought his assistance in contacting Russell Flack. Peter Wang's attempts to reach Russell Flack were also unsuccessful. He, therefore, instructed me to file a petition under 37 C.F.R. §1.47(a). The contents of these telephone conferences with Peter Wang were memorialized in telephone logs (copy attached as Exhibit K).

12. As of this date, I have received no messages, correspondence or any other form of contact from Russell Flack related to the subject application.

13. A copy of Russell Flack's "Leaving National" Check-Out Form, along with a copy of his Termination Certificate dated July 14, 1999, are attached as Exhibit L. Both documents were signed by Russell Flack, and the Termination Certificate was additionally witnessed by a member of National's Human Resources staff. I understand that all exiting National's employees must complete these documents with its Human Resources Department. The Termination Certificate certifies that Russell Flack has "complied with and will continue to comply with all the terms of the National Semiconductor Corporation Employee Agreement" signed by him. Although Russell Flack's signature on the Termination Certificate implies that he would cooperate in the prosecution of this patent application, his failure to respond to repeated attempts to contact him proves otherwise.

14. Russell Flack's last known work address is Three Five System, 1600 North Dessert Dr., Tempe, Arizona 85281. His phone number at Three Five System is (602) 389-8667. I do not know his home address nor his home phone number.

15. All statements made herein of my own knowledge are true and all statements made on information and belief are believed to be true, and these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States code, and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Respectfully submitted,

LIMBACH & LIMBACH L.L.P.

Dated: 10/3/00 By: 

Mayumi Maeda
Reg. No. 40,075

Attorneys for Applicant(s)

Attorney Docket No. NSC1-G3900 [P04391]



INVENTION DISCLOSURE FORM

Do not write
in this space

File no.: P439

date of receipt: 6/24/99 By: ARD

Please complete each item of this form. If an item is not applicable (i.e. only one inventor), enter "N/A".

General Information Concerning the Invention

Title of the invention: Passivation Film Over the Conductive Layer on the Cover Glass of Silicon-Based Liquid Crystal Microdisplays

Brief description of the invention: Achieving a balance in the work function between the top conductive layer (on the glass) and the bottom conductive layer (on the silicon) is desirable to reduce visible flicker in the microdisplay. A passivation film is applied over the conductive layer which is present on the cover glass which forms the top of the light valve cell on silicon-based reflective microdisplays. This passivation film serves two purposes: 1) modifies the original work function of the conductive layer to better match the work function of the opposing conductive layer on the silicon; and 2) maintains that target work function by protecting the surface of the conductive film during further processing.

Attach photocopies of all pertinent documentation. Each page must be signed, dated and witnessed by two other persons as who have read and understood the description of the inventions.

Inventor

Full name: Matt Penny

Residence address: 1170 Castle Lake Circle

Number Street

Apt

Morgan Hill, Santa Clara County, California, USA 95037

City

County

State

Country

Zip

Mailing address: Same

Citizenship: USA Home phone: 408-778-7954 Work phone: 408-721-4692

Dept. name: Light Valve Dept. no.: 02-8327 FAX (408) 721-3809

Location/M.S. D2775 D 3-930

SSN: 546-92-1299 Badge no.: 19232 Email ID: Matt.Penny

Bus. Unit: Light Valve Supervisor: Russell Flack Supervisor's work phone: 721-5493

Inventor

Full name: Russell Flack

Residence address: 18920 Alcott Way

	Number	Street	Apt.
<u>saratoga</u>	<u>Santa Clara</u>	<u>CA</u>	<u>USA</u>
City	County	State	Country
			Zip

Mailing address: Same

Citizenship: British Home phone: 408 867 3770 Work phone: 408 721 5493

Dept. name: Light Valves Dept. no.: 02-8327

Location/M.S. D2775

SSN: 044 78 7251 Badge no.: Sc86380 Email ID: Russell.Flack@nsc.com

Bus. Unit: Light Valves Supervisor: Bill Nicholson Supervisor's work phone: 408 721 7314

Inventor

Full name: n/a

Residence address: _____

	Number	Street	Apt.
<u>City</u>	<u>County</u>	<u>State</u>	<u>Country</u>
			Zip

Mailing address: _____

Citizenship: _____ Home phone: _____ Work phone: _____

Dept. name: _____ Dept. no.: _____ Location/M.S. _____

SSN: _____ Badge no.: _____ Email ID: _____

Bus. Unit: _____ Supervisor: _____ Supervisor's work phone: _____

For each additional inventor, please provide the information requested above.

Description of the Invention

Date of first description: ~03/03/99 Country / location: USA/Santa Clara, CA

Date of first written description: ? Eng. notebook no.: Pages:

Date of first disclosure to others at National: 03/03/99 To: 1 S.K. Lau

2. Hugo Steemers

Attach photocopies of all pertinent engineering documentation. Each page must be signed, dated, and witnessed by two other persons who have read and understood the description of the invention.

Construction and Testing of the invention

Date of computer simulation: n/a Made by: Country

Date of first Prototype ~05/14/99 Place of Manufacture where invention was incorporated into prototype product Three Five Systems, Tempe, AZ, USA Date first prototype was tested to confirm desired operation of invention ~06/10/99

Attach dated photocopy of results of testing of test pattern mask or first prototypes. If the invention has been computer simulated attach a dated photocopy of this simulation.

Is the invention planned or used by National in a product or the method of manufacture or test of a product? No Yes X If yes, what is the part number and function? SLV1280-1BTF

When will this Product utilizing the invention be available for sampling or "offered for sale"?
August 1999

Related art

Closest related art: Patent # U.S. Patent # 5,764,324

Attach copy of related art. This can be an article from a publication or conference paper, patent, or data sheet

What is the difference of this related art and the art of the disclosed invention. The above referenced patent utilizes additional films over the conductive layer only on the silicon substrate side of the cell to create more balance.

Disadvantages of the related art which are solved by this invention. 1) The types of overcoat films which can be commercially applied on the silicon side of the cell are limited. Likewise, the choice is also limited by their transmissive and reflective optical properties. Therefore, the amount of work function modification available is limited and there may not be enough to create the desired balanced condition. 2) The conductive layer on the glass is left without an overcoat film which allows various impurities from further processing steps to modify its work function in an uncontrolled manner.

Advantages of the related art. 1) The work function of the conductive layer on the glass can be purposely modified to better match the modified work function of the conductive layer on the silicon. 2) The targeted work function of the conductive layer on the glass is protected from uncontrolled modification due to exposure to impurities in further processing steps.

Publication, Sampling, or "Offer for Sale" of the Invention

Publication, sampling, or an "Offer for Sale" more than one year prior to the filing of a U.S. patent application will result in the forfeiture of the U.S. patent rights. Publication, sampling, or an "Offer for Sale" at any time prior to the filing of a U.S. patent application will result in the forfeiture of all international patent rights.

1. Has a product embodying the invention been sampled outside National? Yes

No X If yes, when and to whom? _____

If yes, was a Non-disclosure Agreement used? No Yes If yes, attach a copy.

2. Has the invention been described outside National? No X Yes If yes, when and to whom? _____

If yes, was a Non-disclosure Agreement used? No Yes If yes, attach a copy.

3. Have data sheets and/or application notes been distributed outside National? No X Yes

If yes, when and to whom? _____ If yes, was a Non-disclosure Agreement used? No Yes If yes, attach a copy.

4. Have journal articles or conference papers been distributed outside of National? No X Yes

If yes, when and to whom? _____ If yes, was a Non-disclosure Agreement used? No Yes If yes, attach a copy.

5. Has a product embodying/using the invention been sold/offered outside National? No X Yes

If yes, when and to whom? _____

6. Has a price quote, bid, or proposal or volume commitment been made to a potential customer? No X Yes If yes, when and to whom? _____

Certain types of inventions, such as process steps or testing techniques, are typically used internally within National without outside persons becoming aware of the use. Such use may still be considered a commercialization if the invention is being used to manufacture or test a product for purposes beyond mere engineering evaluation purposes.

Development Contract or Joint Development

1. Was the invention conceived, constructed, or tested pursuant to the performance of a development contract with another company or government agency? No X Yes

If Yes, please identify the contract and its location: _____

2. Was the invention jointly developed with inventors from another company? No X Yes

If Yes, please identify the company: _____

Estimated Sales

1. Estimated total sales over next 5 years of products embodying or using the invention:

National: \$ 300,000,000

Source of data: National Semiconductor Strategic

Plan FY99

2. Estimated total sales over next 5 years of all products competing with product embodying or using the invention: \$ 3,000,000,000 Source of data National Semiconductor Corp Strategic Plan FY99

Description and Drawing Illustrating the Invention

You must include drawings which illustrate the invention, including circuit schematics, structures, process steps, etc. If you have original drawings in your lab notebook, please attach photocopies of the pertinent pages.

Execution of this Form

Please have each inventor sign and date below. Attach additional sheets if needed.

Signature: Matthew Perry

Date: 6-24-99

Signature: R. John

Date: 6-24-99

Signature: _____

Date: _____

Witnessing of this Form

Please have two persons, other than the inventors, review this form. When they have read and understood the remarks you have made in this form, please have them sign and date below:

First witness: Seragene J. Frazer

Date: 6/24/99

Second witness: Elwood C. Eshen

Date: 6/24/99

Submission of this Form

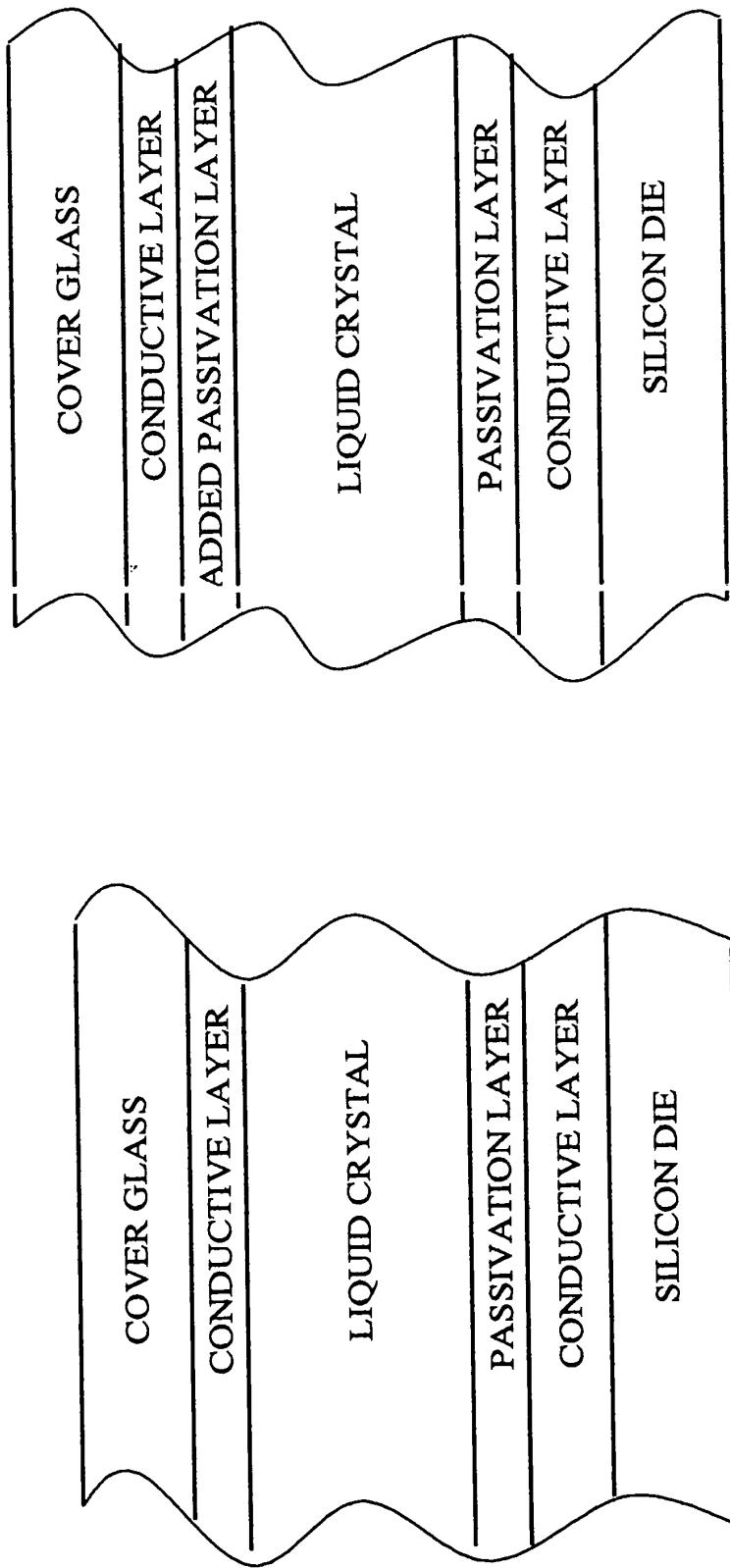
Please return the completed form, including your drawings, written description, photocopies of all pertinent pages from your engineering notebook(s), and other attachments, to Intellectual Property Group engineer responsible for your product group, or:

Intellectual Property Group
NATIONAL SEMICONDUCTOR
2900 Semiconductor Drive, M/S 16-179
P.O. Box 58090
Santa Clara, California 95052-8090

8

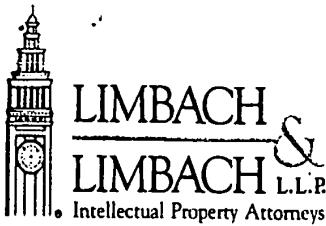
TYPICAL MICRODISPLAY CELL

IMPROVED MICRODISPLAY CELL
WITH
ADDED PASSIVATION LAYER



Elliott Eeni
6/24/99

Frank Hoffmann 6/24/99



October 5, 1999

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San Francisco, California
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John K. Uilkema
Neil A. Smith
Veronica Colby Devitt
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Gerald T. Sekimura
Michael A. Stauffman
Philip A. Girard
Michael J. Pollock
Stephen M. Everett
Maria S. Cefalu
Alfred A. Equitz
Mark A. Dalla Valle
Charles P. Sammut
Mark C. Pickering
Patricia Coleman James
Kathleen A. Frost
Alan S. Hodes
Brian J. Keating
Alan A. Limbach
Douglas C. Limbach
Seong-Kun Oh
Cameron A. King
Kyla L. Harriel
Mayumi Maeda
Kent J. Tobin
Michael R. Ward
Roger S. Sampson
Tina Chen
Charles L. Hamilton
Andrew V. Smith
Heath W. Hoglund

Of Counsel
J. Thomas McCarthy
Joel G. Ackerman

Patent Agent
William G. Goldman

Mr. Allen Tremain
NATIONAL SEMICONDUCTOR CORPORATION
Intellectual Property Group
M/S D3-579
2900 Semiconductor Drive
Santa Clara, CA 95051

Re: New Invention Disclosure for
**PASSIVATION FILM OVER THE CONDUCTIVE LAYER ON
THE COVER GLASS OF SILICON-BASED LIQUID
CRYSTAL MICRODISPLAYS**
Inventor(s): MATT PENRY et al.
NSC File: P04391
Our File: NSC1-G3900

Dear Al:

This is in response to Karen Metz' letter of September 24, 1999, concerning the above-identified Invention Disclosure.

I will be the attorney responsible for preparing this application. The anticipated date of completion of the first draft is approximately November 1, 1999. Following review and revisions by the inventors, I would expect to be able to file this application by December 8, 1999. (Of course, wherever possible, I will endeavor to advance these dates as much as possible.)

If you have any questions or concerns regarding this matter, please contact me.

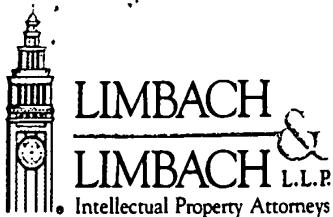
Very truly yours,

LIMBACH & LIMBACH L.L.P.

Mayumi Maeda
mmaeda@limbach.com

MMM:bak

cc: Mr. Matt Penry
Mr. Russell Flack
Mark A. Dalla Valle, Esq.
Ms. Robin L. King



January 27, 2000

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Mayumi Maeda
Kent J. Tobin
Michael K. Ward
Roger S. Sampson
Tina Chen
Charles L. Hamilton
Andrew V. Smith
Eric N. Hoover
Frank J. Mycroft
Parisa Jorjani

Matthew Penry
National Semiconductor Corporation
2900 Semiconductor Drive
M/S ~~D-2775~~ D 3- 930
Santa Clara, CA 95051

Re: **New U.S. Patent Application for
SILICON-BACKED MICRODISPLAY WITH A GLASS-SIDE
PASSIVATION LAYER**
NSC File: P04391
Our File: NSC1-G3900

Dear Matt:

Enclosed please find a first draft of the above-identified patent application. Please review the patent application for accuracy and completeness. The application must be accurate and contain sufficient detail so as to allow someone having ordinary skill in the subject area to make and use the invention without undue experimentation or additional invention.

In addition, every feature of the claimed invention must be described in the text of the application and shown in the drawings, if appropriate. Further, if you are aware that one embodiment of this invention, or one approach to making or using this invention, is better than other ways, this embodiment or approach, known as the best mode of the invention, must be disclosed in the application.

Also enclosed are formal filing papers in the above-referenced case. Because the formal filing papers must be executed after the patent application has been finalized, please do not execute them until such time as you agree entirely with the content of the patent application.

If (or when) everything appears to be in order, please have the enclosed filing papers executed in the order indicated:

Of Counsel
J. Thomas McCarthy
Joel G. Ackerman

Matthew Penry
Our File NSC1-G3900
January 27, 2000
Page 2

1. The **Declaration for Patent Application** must be read by you and, if you agree, signed by you. This document declares that Matthew Penry and Russell Flack are the inventors of the invention claimed in the patent application.
2. The **Assignment** must be read by you and, if you agree, signed by you **before a notary public**. This document assigns your rights to the patent application to National Semiconductor Corporation.
3. Once the **Declaration** and **Assignment** forms have been signed, please return all the signed forms to me.

Prior Art

United States patent law requires an inventor to disclose to the U.S. Patent and Trademark Office any information known to him which may be material for the purposes of determining the novelty and nonobviousness of the invention. In other words, an inventor must disclose any information known to him which a person would reasonably consider relevant for the purposes of determining whether the invention is novel and nonobvious. (Please note, however, that the inventor is only required to disclose such information that is actually known to him, i.e. he is not required to actively search for such information.)

With respect to novelty, any information known to the inventor which might cause a person to reasonably question whether the invention is new must be disclosed. With respect to nonobviousness, any information known to the inventor which might cause a person to reasonably question whether the invention would be obvious to an ordinary person having reasonable skill in that particular field or art must be disclosed.

If you are aware of any such information, such as other patents, technical articles, drawings, sales brochures or other forms of literature describing devices or methods which are similar or related to your invention, please provide me with copies as soon as possible so that we may disclose them promptly to the U.S. Patent and Trademark Office. If you believe such information may exist but are unsure as to how to find it, please contact me for assistance.

Please understand that this disclosure requirement is an ongoing duty on the part of the inventor. Thus, even if no such information or literature as described above is

Matthew Penry
Our File NSC1-G3900
January 27, 2000
Page 3

currently known to you, should any such information or literature come to your attention in the future, it must be disclosed promptly to the U.S. Patent and Trademark Office. If it is not disclosed, any patent which later issues may be at risk of later being declared invalid or unenforceable.

* * *

I will check with you next week to see what changes are necessary. If you have any questions regarding any of the foregoing, please contact me for assistance.

Very truly yours,

LIMBACH & LIMBACH L.L.P.



Mayumi Maeda
mmaeda@limbach.com

MM/pdh

Enclosures: Declaration
Assignment
Application

cc: Intellectual Property Group Patents Department (w/o encs.)
Mark A. Dalla Valle, Esq. (w/o encs.)

LIMBACH & LIMBACH L.L.P. TELEPHONE CONFERENCE MEMORANDUM	
Person Calling:	MMH calling Matt Penry
Phone Number:	(408) 721-4692
Subject Matter:	draft appn
Discussions/Comments:	<p>since his M/S has changed, all his mails were delivered late. He will review a draft + let me know of the comments soon. (New M/S is D3-930)</p> <p>This co-inventor Russell Flack is now in AZ (Three Five System) (602) 389-8667</p> <p>1600 North Desert Drive Tempe AZ 85281</p>
Signed by:	MMH <i>[Signature]</i>
LIMBACH & LIMBACH L.L.P.	

Client:	NSC1 - G3910
Matter No.:	
Date:	2/14/03
Time:	10:00 AM

LIMBACH & LIMBACH L.L.P.
TELEPHONE CONFERENCE MEMORANDUM

Person Calling: *MM calling Russell Block*

Phone Number: *(612) 389 - 8667*

Subject Matter:

new address

Discussions/Comments: *left a voice mail*

*Please let me know your
mailing address in AZ so we
I can send you a copy of
spj: - + formal copies.*

Signed by: *MM* *R. Block*

LIMBACH & LIMBACH L.L.P.

Client: *NSC4 - G3900*

Matter No.:

Date: *2/14/00*

Time: *10:15 AM*

LIMBACH & LIMBACH L.L.P.
TELEPHONE CONFERENCE MEMORANDUM

Person Calling: MMM calling Matt Pray

Phone Number: (408) 721-4692

Subject Matter:

revised draft

Discussions/Comments:

just send revised draft to him.

have not heard from Ravel yet.

I will contact him again.

Matt will sign all formal papers

at legal department shortly.

Signed by: MM Reagan

LIMBACH & LIMBACH L.L.P.

Client: NSCL - G3900

Matter No.:

Date: 3/14/00

Time: 9:45 AM

LIMBACH & LIMBACH L.L.P.
TELEPHONE CONFERENCE MEMORANDUM

Person Calling: MMI calling Russell Flack

Phone Number: (602) 389 - 8667

Subject Matter: 1600 North Desert Drive
Three Five System Tempe AZ 85281

Discussions/Comments: left a voice mail

You co-inventor, Matt Peay, has
already reviewed + approved the
draft. I would like to send
you a copy of appn +
formal papers to your home address
Please let me know.

Signed by: MMI R. Flack

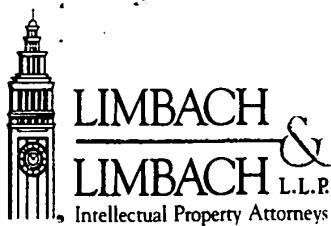
LIMBACH & LIMBACH L.L.P.

Client: NSU - 93900

Matter No.:

Date: 3/14/00

Time: 9245 AM



March 17, 2000

Via Fed Ex

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Fax: 415/433-8716
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Fax: 408/292-7394

Karl A. Limbach
George C. Limbach
John K. Uilkema
Neil A. Smith
Veronica Colby Devitt
Ronald L. Yin
Gerald T. Schimmele
Michael A. Stallman
Philip A. Girard
Michael J. Pollock
Stephen M. Everett
Maria S. Cefalu
Alfred A. Equitz
Mark A. Dalla Valle
Charles P. Sammut
Mark C. Pickering
Patricia Coleman James
Kathleen A. Frost
Alan S. Hodes
Alan A. Limbach
Douglas C. Limbach
Seong-Kun Oh
Cameron A. King
Kyla L. Harrel
Mayumi Maeda
Kent J. Tobin
Michael R. Ward
Roger S. Sampson
Tina Chen
Charles L. Hamilton
Andrew V. Smith
Eric N. Hoover
Frank J. Mycroft
Parisa Jorjani

Russell Flack
Three Five System
1600 North Desert Dr.
Tempe, AZ 85281

Re: **New U.S. Patent Application for
SILICON-BACKED MICRODISPLAY WITH A GLASS-SIDE
PASSIVATION LAYER**
Inventors: Matthew Douglas Penry and Russell Flack
Our File: NSC1-G3900

Dear Mr. Flack:

Enclosed please find a draft of the above-identified patent application. Please review the patent application for accuracy and completeness. The application must be accurate and contain sufficient detail so as to allow someone having ordinary skill in the subject area to make and use the invention without undue experimentation or additional invention.

In addition, every feature of the claimed invention must be described in the text of the application and shown in the drawings, if appropriate. Further, if you are aware that one embodiment of this invention, or one approach to making or using this invention, is better than other ways, this embodiment or approach, known as the best mode of the invention, must be disclosed in the application.

Also enclosed are formal filing papers in the above-referenced case. Because the formal filing papers must be executed after the patent application has been finalized, please do not execute them until such time as you agree entirely with the content of the patent application.

If (or when) everything appears to be in order, please have the enclosed filing papers executed **in the order indicated**:

Of Counsel
J. Thomas McCarthy
Joel G. Ackerman

Russell Flack
Our File NSC1-G3900
January 27, 2000
Page 2

1. The **Declaration for Patent Application** must be read by you and, if you agree, signed by you. This document declares that Matthew Penry and Russell Flack are the inventors of the invention claimed in the patent application.
2. The **Assignment** must be read by you and, if you agree, signed by you **before a notary public**. This document assigns your rights to the patent application to National Semiconductor Corporation.
3. Once the **Declaration** and **Assignment** forms have been signed, please return all the signed forms to me.

Prior Art

United States patent law requires an inventor to disclose to the U.S. Patent and Trademark Office any information known to him which may be material for the purposes of determining the novelty and nonobviousness of the invention. In other words, an inventor must disclose any information known to him which a person would reasonably consider relevant for the purposes of determining whether the invention is novel and nonobvious. (Please note, however, that the inventor is only required to disclose such information that is actually known to him, i.e. he is not required to actively search for such information.)

With respect to novelty, any information known to the inventor which might cause a person to reasonably question whether the invention is new must be disclosed. With respect to nonobviousness, any information known to the inventor which might cause a person to reasonably question whether the invention would be obvious to an ordinary person having reasonable skill in that particular field or art must be disclosed.

If you are aware of any such information, such as other patents, technical articles, drawings, sales brochures or other forms of literature describing devices or methods which are similar or related to your invention, please provide me with copies as soon as possible so that we may disclose them promptly to the U.S. Patent and Trademark Office. If you believe such information may exist but are unsure as to how to find it, please contact me for assistance.

Please understand that this disclosure requirement is an ongoing duty on the part of the inventor. Thus, even if no such information or literature as described above is

Russell Flack
Our File NSC1-G3900
January 27, 2000
Page 3

currently known to you, should any such information or literature come to your attention in the future, it must be disclosed promptly to the U.S. Patent and Trademark Office. If it is not disclosed, any patent which later issues may be at risk of later being declared invalid or unenforceable.

* * *

I will check with you next week to see what changes are necessary. If you have any questions regarding any of the foregoing, please contact me for assistance.

Very truly yours,

LIMBACH & LIMBACH L.L.P.



Mayumi Maeda
mmaeda@limbach.com
MMM

Enclosures: Declaration
Assignment
Application

LIMBACH & LIMBACH L.L.P. TELEPHONE CONFERENCE MEMORANDUM	
Person Calling: <i>MHM calling Russell Flack</i>	
Phone Number: <i>(602) 389-8667</i>	
Subject Matter: <i>draft application + formal papers</i>	
Discussions/Comments: <i>left voice mail</i> <i>since your home address is</i> <i>not available to us, we sent</i> <i>via Fed Ex draft application +</i> <i>formal papers to your work address.</i> <i>Please review the application,</i> <i>and execute formal papers +</i> <i>return the original papers to us.</i> <i>Assignment need to be authorized</i> <i>if any questions, please call</i>	
Signed by: <i>MHM R. Flack</i>	
LIMBACH & LIMBACH L.L.P.	

Client: <i>NC01 - 6380</i>
Matter No.:
Date: <i>3/17/00</i>
Time: <i>10:45 AM</i>

LIMBACH & LIMBACH L.L.P. TELEPHONE CONFERENCE MEMORANDUM	
Person Calling: <i>MM calling Matt Penny</i>	
Phone Number: <i>(408) 721-4682</i>	
Subject Matter: <i>draft appn</i>	
Discussions/Comments: <i>Matt told me that he has already signed all the ^{formal} papers + I can expect them shortly. I tell Matt that I called Russell at TFS but always get M/C. I always try leave a message but he won't return my call. He has an open + formal papers.</i>	
Signed by: <i>MM</i> <i>R. Rose</i>	
LIMBACH & LIMBACH L.L.P.	

Client:	<i>NSC 1 - G3900</i>
Matter No.:	
Date:	<i>3/22/01</i>
Time:	<i>8:40 AM</i>

LIMBACH & LIMBACH L.L.P.
TELEPHONE CONFERENCE MEMORANDUM

Person Calling: MMT calling Russell Zales

Phone Number: (602) 389 - 8667

Subject Matter:

appn + formal papers

Discussions/Comments: left voice mail

Matt has already approved the spec + signed formal papers. I fed exed an appn w/ formal papers on 3/17 (Fri) and thus I trust not you've already received it by now. If questions or difficulties please call me, since we are ready to file the appn + waiting for receipt of your papers

Signed by: MMT Z. Zales

LIMBACH & LIMBACH L.L.P.

Client:

NSCA - G3900

Matter No.:

Date:

3/22/00

Time:

9245 AM

LIMBACH & LIMBACH LLP
TELEPHONE CONFERENCE MEMORANDUM

Person Calling: Chad Walser returned call

Phone Number: —

Subject Matter:

tiling open

Discussions/Comments:

At this time, Chad will not
get involved. But, I should
keep contacting Rhonda Flack in AZ.
Meanwhile, we should file
the appn & get a missing party
from PTO and then worry
about it.

Signed by: MMA

LIMBACH & LIMBACH LLP

Client: NSCL - G13900

Matter No.:

Date: 3/23/02

Time:

LIMBACH & LIMBACH L.L.P.
TELEPHONE CONFERENCE MEMORANDUM

Person Calling: MMM calling chad Welsh

Phone Number: (408) 721-6581

Subject Matter:

filng appln.

Discussions/Comments: left a voice mail

we received executed formal papers
from NSC inventor. Another
inventor is at TFS in AZ.

I've been calling him for several
times + no return call

I don't think we can hear from
him any time soon. We should
file the appln w/o his formal papers
+ get missing parts + deal w/ his
formal papers then. Please call

Signed by: MMH R. Zee

LIMBACH & LIMBACH L.L.P.

Client: NSC - G3900

Matter No.:

Date: 3/23/00

Time: 10:50 AM

LIMBACH & LIMBACH L.L.P. TELEPHONE CONFERENCE MEMORANDUM	
Person Calling:	MM/11 calling Russell Fack
Phone Number:	(602) 389-8667
Subject Matter:	Formal papers
Discussions/Comments:	<p>left a voicemail</p> <p>I sent you spec + formal papers for you to sign in March. We filed the app in w/ your paper. The WFTD now requires that the papers be filed. Please create doc + forward the papers to us. If we misplaced the papers, I will be happy you send another set. so let me know.</p>
Signed by:	MM/11 LIMBACH & LIMBACH L.L.P.

Client:	KL (4- 6/29/01)
Matter No.:	
Date:	7/11/01
Time:	10:00 AM

LIMBACH & LIMBACH L.L.P.
TELEPHONE CONFERENCE MEMORANDUM

Person Calling: MMI calling Russell Flack

Phone Number: (602) 389-8667

Subject Matter:

formal papers

Discussions/Comments: left a voice mail

We received a missing part notice from USPTO & we need to respond by 8/12. Although this is extendable, NSC must pay extension fee to do so. Please enclose the formal papers now & send them to me. If they were misplaced, I'm happy to send you another set

Signed by: MMI R

LIMBACH & LIMBACH L.L.P.

Client: NS (1 - G 390)

Matter No.:

Date: 7/26/02

Time: 9:15 AM

Mayumi Maeda

From: Mayumi Maeda
Sent: Wednesday, July 26, 2000 9:36 AM
To: 'russell.flack@threelfive.com'; 'rflack@threelfive.com'
Subject: Your NSC patent application for "Silicon-Backed Microdisplay with a Glass-Side Passivation Layer"

Dear Mr. Flack:

I hope this e-mail will reach you. We received a notice to file missing parts from the U.S. Patent and Trademark Office regarding the above-referenced matter. We need to file your executed formal papers (i.e., declaration and assignment forms) by **August 12, 2000**. Although this date is extendable, NSC must pay for extension fees to do so.

Would you please execute the formal papers I sent to you at this time and forward the original to me? If the previously sent formal papers were misplaced, I am happy to send them again. Please call me at **(415) 773-3133** (direct) if you have any question.

Have a nice day.

LIMBACH & LIMBACH L.L.P.
TELEPHONE CONFERENCE MEMORANDUM

Person Calling: MMI calling Peter Wong

Phone Number: (408) 721-6259

Subject Matter:

missing parts w/ Russell Flack

Discussions/Comments: _____

Per NSC instructions, application

was filed w/ PTO w/o Mr. Flack
executed formal papers (those were
sent to him 3/17/00) at that
time. Mr. Chad Walsh told me
if Mr. Flack is not cooperative
w/ me, Chad will give a call
to him. If Mr. Flack signs
paper w/ NSC to hand over
or rights. Would you like to
get involved at this time?

Signed by: Peter Wong

Peter said he LIMBACH & LIMBACH L.L.P.

will call Russell Flack.

Client: NSCA - 673800

Matter No.:

Date: 8/2/00

Time: 2 = 80 min

LIMBACH & LIMBACH L.L.P.
TELEPHONE CONFERENCE MEMORANDUM

Person Calling: Peter Wong calling MMY

Phone Number: —

Subject Matter:

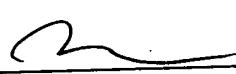
Notice of missing part

Discussions/Comments:

Russell Flack apparently left
NSL under less than favorable
circumstances and he would
probably not sign the papers or
return our calls.

Mr. Wang instructed us to
file a § 47 (a).

Signed by:

MMY 

LIMBACH & LIMBACH L.L.P.

Client: NSCA - 6390

Matter No.:

Date: 8/3/00

Time: 3:00 PM



"Leaving National" Check-Out Form

Name Russ Black Badge 86380 Div/Dept _____
Exit Interview Date _____ Term Date _____

1. Manager: _____ Ext: _____

Please initial for returned items, otherwise N/A.

Auto/Keys/Computer/Printer/Modem/Cell Phone/Beeper/Laptop P/B N/A

Software/Floppy Diskettes P/B

Engineering Notebook P/B

Tool/Keys/Locks P/B

Technical Library Books P/B

National Trade Secrets (Phone Books, Computer Tabs, Programs) P/B

Current Onsite Degree program Participants-See Onsite

Degree Program Manager for sign-off N/A

2. Human Resources: Ben Leung Ext: X3479

Exit Interview Ben Leung HR Initials N/A

3. Security: N/A Ext: _____

Security Clearance Debriefing (if necessary) N/A

4. HR Service Center: Questions or Appointments 1-4448 or 800-672-4448

Termination Certification Form SC Initials N/A

Retirement and Savings Program P/B

Benefits/Health Care Continuation P/B

Leaving National
Check-Out Form
Page 2

	SC Initials	N/A
Credit Cards (AT&T, GAS, American Express)	<u>BS</u> <input type="checkbox"/>	<input type="checkbox"/>
Stock Options/Purchase - 408-721-5680	<u>BS</u> <input checked="" type="checkbox"/>	<input type="checkbox"/>
Telephone Authorization Card	<u>BS</u> <input type="checkbox"/>	<u>BS</u> <input type="checkbox"/>
Money Owed (Sign-on bonus, Relocation, etc.)	<u>BS</u> <input checked="" type="checkbox"/>	<input type="checkbox"/>
Badge/Access Cards	<u>BS</u> <input checked="" type="checkbox"/>	<input type="checkbox"/>
Address Change <u>Will change later.</u>	<u>BS</u> <input checked="" type="checkbox"/>	<input type="checkbox"/>
Final Paychecks (In Field locations check mailed to home)	<u>BS</u> <input checked="" type="checkbox"/>	<input type="checkbox"/>
Medical Clearance (Have you ever been or are you currently in a medical surveillance program (i.e. Emergency Response Team, respirator protection)? Ext. 4036 or ext. 6497	<u>BS</u> <input type="checkbox"/>	<u>BS</u> <input type="checkbox"/>
KEIP- 408-721-2472	<u>BS</u> <input checked="" type="checkbox"/>	<input type="checkbox"/>

5. PAYROLL: For more information about Final Paychecks or deductions (vacation, 401K, etc.) call your local payroll dept. Final paychecks will be released by the HR Service Center upon Manager completion of section(s) 1 and 4 (if applicable).

Signature of exiting employee: Ron



National Semiconductor

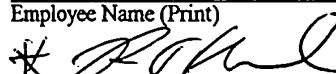
TERMINATION CERTIFICATION

This is to certify that I do not have in my possession, nor have I failed to return my badge, any records, materials, engineering notebooks, equipment, computer programs, documents, data, specifications, drawings, blueprints, reproductions, sketches, notes, reports, proposals, or copies of them, or other property belonging to the Company.

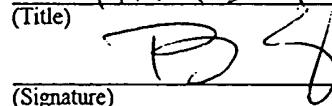
I further certify that I have complied with and will continue to comply with all the term of the National Semiconductor Corporation Employee Agreement signed by me with the company, copy attached, including the reporting of any inventions (as defined therein) covered by the Agreement.

I further agree that in compliance with the Trade Secret Act of California, Civil Code Section 3426 et. Seq., and the "National Semiconductor Corporation Employee Agreement", I will preserve as confidential all trade secrets; and confidential information, knowledge, data, or other information belonging to the Company; and all confidential information of third parties learned as a result of my employment by the Company.

Dated: 7/14/99

Russ Flack SC 86380
Employee Name (Print) Badge

Signature Of Employee

I certify that I requested the above designated person to execute this "Termination Certification" on 7/14/99 and that such person complied refused, I provided said person with a copy of their executed National Semiconductor Corporation Employee Agreement.

Ben Leung
(Print Name)
H.R. B.P.
(Title)

(Signature)

LIMBACH & LIMBACH L.L.P.
TELEPHONE CONFERENCE MEMORANDUM

Person Calling: Peter Wang calling MMM

Phone Number: (408) 721-6259

Subject Matter: 471a1 Declaration

Discussions/Comments: _____

Mr. Wang authorized us to get a one-month extension in response to missing parts.

In the meanwhile, he is getting Russell Flach's employment contract w/ NSC to show Mr. Flach's obligation to assign it to NSC in dairies of Mr. Flach's employment at NSC and circumstances of his departure.

I am to work w/ Mr. JP.

Signed by: MATOR

LIMBACH & LIMBACH L.L.P.

Client: MLC1 - 673900

Matter No.:

Date: 8/12/00

Time: 9:59 AM

LIMBACH & LIMBACH LLP.
TELEPHONE CONFERENCE MEMORANDUM

Person Calling: MARY return a call to Mr.
Phone Number: (408) 721-6259 Peter wrong.
Subject Matter: deck.
documents necessary for 547/4)

Discussions/Comments: _____

We said he is having difficulty
locating the exponent of
of Russell Flack b/c Russell
joined some 230 yrs ago in
England. I told him that
when I talked w/ Chad Wilshy
he implied that Russell signed
some paperwork when he departed
NSC. Peter will look into it.
also Peter will take a look at

Signed by: TDJ to decide LIMBACH & LIMBACH LLP.

whether or to disclose as an evidence

Client:	NCL-6290 MARY 2
Matter No.:	
Date:	9/1/02
Time:	9:20 AM

↓ Probably we need to take a
further extension in the con

LIMBACH & LIMBACH L.L.P.
TELEPHONE CONFERENCE MEMORANDUM

Person Calling: Peter Wong calling 11111

Phone Number: -

Subject Matter:

47 (a) declaration

Discussions/Comments:

We found an exit form of Russell Flack, which refers to his NSC employment to. He is not sure whether the employment to can be found since more than 10 yrs old. The ~~exit~~ form does not itself indicate Mr. Flack's obligation to assign his patent rights to NSC.

Mr. Wang authorizes us to use an

IND as an exhibit. We is also

Signed by: Handing a copy of the exit form
to us to confirm LIMBACH & LIMBACH L.L.P.

to look for the employment to. 11111

Client: NS U1 - G3800

Matter No.:

Date: 9/13/00

Time: 10:05 AM